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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,942	06/09/2000	Ari Pine	M-8579 US	3684

7590 07/09/2003  
Ari Pine  
1578 Gary Street  
East Meadow, NY 11554

EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/590,942

Applicant(s)

PINE ET AL.

Examiner

Thach H Bui

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by May (U.S. Patent 6,421,653).

As per claim 1, May teaches a computer method for analyzing financial market data comprising a database (66) (see Fig. 2) for storing plurality of derivative characteristics for each derivative in a plurality of derivatives (col. 5, lines 30-31) (col. 9, lines 27-28) and storing a plurality of underlying instrument characteristics or an underlying instrument for the plurality of derivatives (see Fig. 12, 15 and 17). The system also includes a mean to determine a relative reference value for each derivative (see Fig. 12, 290, and 292) in the plurality of derivatives and the relative reference value is being a function of a characteristic of the derivative and an analysis characteristic (see Fig. 12, 290 and 292).

As per claims 2-4, May teaches a computer network comprising computer program products i.e. client/server model having a central processing center connected with multiple server modules and plurality of individual trader workstations via an

Internet protocol network (see Fig. 1) (col. 6, lines 35-37). The network allows a user/client to access to a derivative characteristic of each identified derivative having a relative reference value of which satisfies the reference criteria and an analysis characteristic for each derivative of the plurality of the derivatives (see Fig. 12) (col. 35, lines 15-64) (col. 36, lines 45-51). May also includes the derivatives in the plurality of derivatives are a class options (col. 18, lines 4-58).

As per claims 5-8, May teaches a mean to retrieve derivative data/underlying instrument for the plurality of derivatives/underlying instrument from a derivative data provider/underlying instrument data provider; and the derivative data/underlying instrument data specifying at least one derivative characteristic for each derivative and/or underlying instrument characteristic (see Fig. 12). The derivative data for each derivative in the plurality of derivatives is an option straddle and a mean to determine at least one calculated derivative characteristic based on the retrieved derivative data (col. 19, line 7-col. 21, line 33).

As per claims 9-11, May teaches a mean to provide a report and/or a mean to display and transmit the report over a communication network the derivative characteristic of the identified derivatives having relative reference values which satisfies the reference criteria (see Fig. 5, 6A, 6B, 7, 21, 22A, 22B, and 23).

As per claims 12-15, May teaches the plurality of derivative characteristics including a strike price and the step of determining a relative reference value for each derivative comprises calculating for a plurality of time increments a difference between a relative strike price of each derivative and an at-the-money (ATM) value based on the

strike price of each derivative (col. 20, line 20-col. 21, line 33). In addition, May also teaches a market price (i.e. fair price) for the underlying instrument (col. 43, lines 50-54) (col. 44, lines 45-51).

As per claims 16-19, May teaches the plurality of characteristics including a premium, a volatility (482), volume, and open interest (see Fig. 5, 6A, 6B, 7, 13, 15, 18, 20, 21, 22A, 22B, and 23). In addition, May teaches a mean to create a report (as mentioned in claims 9-11 above) having the first variable and the second variable corresponding to a characteristic, a premium, a volatility, a volume and an open interest for the identified derivative having the strike price within a selected range of the at-the-money value at the time and/or time increment indicated by the first variable (i.e. dates) (ATM) (see Fig. 5, 6A, 6B, 7, 13, 15, 18, 20, 21, 22A, 22B, and 23).

As per claims 20-28, May has all the features of the invention. Further, May teaches the plurality of derivatives characteristics including a trade date and a relative expiration date matching the desired relative expiration date at the time indicated by the first variable (col. 36, lines 4-19).

As per claims 29-56, May has all the features of the invention. In addition, May discloses a processing facility (i.e. a central processor center) (col. 6, lines 35-37) coupled to the database (66) and the processing facility is operable to determine a relative reference value for each derivative in the plurality of derivatives. In addition, May teaches a user interface (52, 148, 250, 270) for providing user access to a derivative characteristic of each identified derivative having a relative reference value of which satisfies the reference criteria.

***Conclusion***


2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. May ('727) and Lange are cited to show an electronic trading system for trading financial instruments in the derivatives market.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.  
June 19, 2003

  
JEFFREY PWU  
PRIMARY EXAMINER